

JOHN J. GERGURICH
DARRELL G. SEAL
THOMAS J. SWEENEY

IBLA 76-470

Decided June 24, 1976

Appeal from a decision of the Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer W 53633.

Affirmed.

1. Oil and Gas Leases: Applications: Generally--Oil and Gas Leases:
Applications: Sole Party in Interest

An oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure must be rejected when the entry card contains the name of an additional party in interest and the required statement of the additional party's interest and qualifications is not filed within the time required by 43 CFR 3102.7. The filing of the required statement after that time has elapsed does not cure the defect.

APPEARANCES: John J. Gergurich, for appellants.

OPINION BY ADMINISTRATIVE JUDGE RITVO

John J. Gergurich, Darrell G. Seal and Thomas J. Sweeney have appealed from a decision of the Wyoming State Office, Bureau of Land Management, dated February 3, 1976, rejecting oil and gas

lease offer W 53633. The offer was filed by appellant and Darrell G. Seal in December 1975 in a simultaneous drawing procedure, pursuant to 43 CFR Subpart 3112.

On their drawing entry card for Parcel 27, which was drawn first in the drawing, appellant and Seal indicated that Thomas J. Sweeney had an interest in the offer. The offer was rejected for failure to file timely the statement of interest required by 43 CFR 3102.7, although the offerors filed the necessary information later on January 15, 1976.

Regulation 43 CFR 3102.7 provides:

* * * If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer. * * * [Emphasis added.]

Appellant states that he and the other two parties mailed a statement of interest as soon as they knew they were the first qualified drawee, and that this information was furnished on a timely basis and in good faith to meet BLM requirements.

[1] The Board has repeatedly held that the requirements of 43 CFR 3102.7 are mandatory and that an offer not in compliance therewith must be rejected. Emily Sonnek, 21 IBLA 245 (1975); Joy Goodale, 18 IBLA 38 (1974); Wesley Warnock, 17 IBLA 338 (1974); Mary West, 17 IBLA 84 (1974); D. O. Keon, 17 IBLA 81 (1974). A first-drawn simultaneous drawing entry card which is defective because of noncompliance with a mandatory regulation must be rejected and may not be "cured" by submission of further information. Ballard E. Spencer Trust, Inc., 18 IBLA 25 (1974).

The mailing of the statement after the offerors knew that their offer was the first one drawn for the parcel, but later than 15 days after filing, is not in compliance with the regulation. Emily Sonnek, supra.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Martin Ritvo

Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Joseph W. Goss
Administrative Judge

